



Pinsent Masons

**A12 CHELMSFORD TO A120 WIDENING SCHEME – TR010060
ROYAL LONDON AND EDMUNDSON ELECTRICAL LIMITED
DEADLINE 8 SUBMISSION
12 JULY 2023**

1. INTRODUCTION

- 1.1. This submission is made by Pinsent Masons LLP on behalf of its clients Royal London UK Real Estate Fund (**Royal London**) and Edmundson Electrical Limited (**EEL**). This submission is made in order to summarise our clients' position at the close of examination of the A12 to A120 Widening Scheme (**the Scheme**), promoted by National Highways (**the Applicant**).
- 1.2. Our clients have made previous representations to the examination, and we refer the Examining Authority to Royal London's relevant representation [**RR-032**] and written representation [**REP2-100**], and EEL's relevant representation [**RR-030**] and written representation [**REP2-099**]. Royal London and EEL have also made various joint submissions: a Post-Hearing Submission dated 9 March 2023 [**REP3-077**], a Response to ExQ2 [**REP4-094**], a Post-Hearing Submission dated 10 May 2023 [**REP5-054**], a Response to ExQ3 [**REP6-116**] and a Post-Hearing Submission dated 3 July 2023 [**REP7-073**].

2. RESPONSE TO EXAMINING AUTHORITY'S WRITTEN QUESTION Q3.5.6

- 2.1. We have written to the Applicant following Deadline 7 to confirm that Royal London and EEL do want the Applicant to facilitate a meeting between itself, Royal London, EEL and Cadent Gas Limited as soon as possible. This technical discussion is required to properly understand the extent and size of expected vehicle movements, detailed design and location of the gas pipe diversion works and whether the access and the land identified for these works is in fact sufficient for the purposes required.

3. THE APPLICANT'S CLOSING STATEMENT

- 3.1. Royal London and EEL have considered the Applicant's Closing Statement for the Scheme submitted into Examination on 10th July 2023 [**REP7-078**]. This sets out the Applicant's closing position on whether the Compulsory Acquisition tests have been met in relation to Royal London's and EEL's land interests.
- 3.2. The points and concerns raised throughout the examination principally relate to the justification for the use, and adequacy of, the proposed access and adjoining land interests required for the purposes of the gas pipe diversion works (Work No.U2 in the draft DCO) to be undertaken by Cadent. Our clients' concerns regarding the proposed diversion of an overhead electricity cable on plot number 1/10c (Work No.U2A) relate to the lack of information made available about these works to ensure their interests and operations are suitably protected.
- 3.3. In particular, our clients' objection is on the basis that there is no compelling case in the public interest to use the access across Royal London and EEL's site, as the access has not yet been shown to be sufficient for the purposes for which the rights are sought. This is because there has been no engagement with Cadent Gas Limited, who would actually be carrying out the proposed works, and no details of the size of vehicles and number of movements have been made available to consider whether the proposed access is actually sufficient. Our clients' significant concerns remain over the lack of engagement on these technical requirements and the suitability of the proposed access route, as it is across a busy trade and distribution centre central to EEL's operations, rather than just a car park and servicing area.



- 3.4. Our clients are also not satisfied that sufficient consideration of alternative access routes have been considered and with the reasoning provided by the Applicant for not progressing alternative options. Our clients' position remains as set out in its earlier submissions, including their joint submission at Deadline 5 [REP5-054]. The Applicant has responded on two of the alternative routes in its Closing Statement [REP7-078], which are access direct from the A12 and via the adjacent Cadent Above Ground instillation site. However, the reasons provided by the Applicant to explain why it cannot access directly from the A12 have not been evidenced or justified and it has not responded to the third alternative route from the north through the Trilux site, as suggested in our clients' Post-Hearing Submission dated 9 March 2023 [REP3-077]. Overall, there has been a lack of meaningful engagement on the alternative access routes to enable our clients to properly understand the technical reasons for not progressing these alternatives.
- 3.5. Royal London has also objected on the basis that there is no compelling case for the acquisition of rights in the land that the gas pipe will be diverted to and alternatives for the gas diversion works have not been properly considered. In particular, the Applicant has not provided any justification that the proposed area is sufficient for the gas diversion works.

4. CONCLUSION

- 4.1. We refer to our clients' joint submission at Deadline 7 [REP7-073] summarising our oral submissions made at Compulsory Acquisition Hearing 3 (CAH3) on 27 June 2023, as no substantive progress to reach agreement has been made since then, prior to the close of examination.
- 4.2. There has been a lack of meaningful engagement with the Applicant, and with Cadent Gas Limited and UKPN, on the proposed works and to reach agreement on the access arrangements. Our clients are willing to continue engaging with the Applicant to reach agreement on appropriate terms and have again requested that the Applicant facilitates a meeting with Cadent Gas Limited.
- 4.3. In the absence of any agreement with the Applicant, our clients repeat their request that the draft DCO is amended to include three additional requirements [see REP3-077] that, in the absence of any agreement, are reasonable and necessary to include in the DCO, as previously set out.
- 4.4. Accordingly, Royal London and EEL's position and requested requirements remains as set out in their joint submission at Deadline 7 [REP7-073].